

CHAPTER 30

REGULATIONS FOR APPROVING JUVENILE RESIDENTIAL FACILITIES AND FOR STATE REIMBURSEMENT OF LOCAL JUVENILE RESIDENTIAL FACILITY COSTS

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Part I

General Information

6VAC35-30-10. Introduction.

The state Board of ~~Youth and Family Services~~ Juvenile Justice is charged by Code of Virginia § 16.1-309.5 with the responsibility for approving all requests from localities for financial assistance relative to the ~~development and operation of new programs and services; for purchase of property; and for~~ construction, enlargement, ~~or~~ renovation, purchase or rental of detention homes, group homes or other residential care facilities for children; whether publicly or privately constructed.

The Department of ~~Youth and Family Services~~ exercises oversight responsibility in the establishment and maintenance of programs, services and residential care facilities for children, as provided in Code of Virginia §§ 16.1-309.9(C) and 16.1-322.1.1.

The Office of Capital Outlay Management within the Department of ~~Youth and Family Services~~ is responsible for architectural and engineering review of residential care facilities which are constructed, enlarged or renovated, ~~and reimbursed with state funds~~ with the intention of housing juveniles in accordance with Code of Virginia §§ 16.1-249, 16.1-309.3 or 66-13.

Code of Virginia § 16.1-309.5.C. requires that the Governor approve the plans and specifications of construction projects governed by this regulation. Approval of projects for which state funding is requested ~~is~~ may be vested by the Governor in the Office of the Secretary of Public Safety or other designee. Such projects are best accomplished as a cooperative venture between a locality and the Department of ~~Youth and Family Services~~. Using standards promulgated by the Board of Youth and Family Services (BYFS) approved and those published by the American Correctional Association (ACA) standards and working together as partners from project planning to project implementation, the locality and the department ensure that an optimum number of children are provided high quality services at a minimum cost to the locality and to the Commonwealth.

As a basis for this regulation:

1. The Virginia Public Procurement Act applies generally to every public body in the Commonwealth which §11-37 of the Code of Virginia defines to include any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty. Therefore, the Commonwealth of Virginia Agency Procurement and Surplus Property Manual, current edition, will apply when construction of juvenile facilities is reimbursed by state funds.

2. The Agency Procurement and Surplus Property manual incorporates the Commonwealth of Virginia ~~Capital Outlay manual~~ Construction and Professional Services Manual for Agencies for ~~policy and guidelines for~~ guidance in managing Capital Outlay Projects. Generally, construction or renovation of juvenile facilities would constitute Capital Outlay. The Department of ~~Youth and Family Services~~ shall therefore apply the Commonwealth of Virginia ~~Capital Outlay manual~~ Construction and Professional Services Manual for Agencies, current edition, whenever reimbursement with state funds is requested. Special emphasis on Chapters V, VIII, and X shall be considered whenever reimbursement is requested.

3. The Department of ~~Youth and Family Services~~ does not intend to replace or relieve responsibilities of the architectural and engineering firms and applicable regulatory authorities (i.e., Building Official, State Fire Marshal, etc.).

Consistent with state law and the authority delegated by the Governor, the Department of Juvenile Justice will review local facility construction projects and make ~~For the purposes of this chapter and~~ reimbursement recommendations to the ~~Secretary and the Governor or the Governor's designee~~, the Department of Youth and Family Services (DYFS) or its designee shall be the reviewing authority.

Part II

Definitions and Legal Basis

6VAC35-30-20. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

~~"ACA" means American Correctional Association.~~ [The term will be spelled out completely whenever used in this regulation.]

"Architectural/Engineering (A/E) services" means an individual or firm that is licensed by the Virginia Department of Commerce to provide professional services appropriate for the specific project, and is hired by the owner to provide those specific services for the project.

"Area allowance per bed" means the gross square footage of the facility divided by the facility's design capacity, not to exceed 600 square feet per bed. [NOTE: THIS REPLACES THE DEFINITION OF 'OPERATING CAPACITY.']

"Board" means the Virginia Board of ~~Youth and Family Services~~ Juvenile Justice.

"Board ~~approved~~ standards" means standards ~~approved~~ promulgated by the Board of ~~Youth and Family Services~~ Juvenile Justice. These standards include:

1. ~~Chapter 50 of Title 6 (6VAC35-50-10 et seq.)~~ Standards for Interdepartmental Regulation of Residential Facilities for Children (22 VAC 42-10); and
2. ~~Chapter 100 of Title 6 (6VAC35-100-10 et seq.)~~, Standards for Secure Detention; and Standards for Juvenile Residential Facilities (6 vac 35-140).
3. ~~Chapter 40 of Title 6 (6VAC35-40-10 et seq.)~~, Standards for ~~Predispositional and Post-Dispositional Group Homes~~.

"Department ~~or DYFS~~" means the Department of ~~Youth and Family Services~~ Juvenile Justice.

"Enlargement" or "Expansion" means to expand an existing local facility by constructing additional areas.

"Furnishings and equipment" means built-in equipment or fixtures normally included in a structure at the time of construction.

"Local facility" means a juvenile residential facility intended to house primarily juveniles who are before intake on complaints or before the court on petitions alleging that the juvenile is a child in need of services, child in need of supervision, or delinquent, and which is owned, maintained, or operated by any political subdivision or combination of political subdivisions of the Commonwealth, or a privately owned or operated juvenile residential facility which has contracted with any political subdivision or combination of political subdivisions of the Commonwealth.

~~"Locality's representative" means an individual who is licensed by the Virginia Department of Commerce as an architect or engineer. [see "sponsor's representative"]~~

"Needs assessment" means an evaluation of trends and factors at the local or regional level which may affect current and future local facility needs, and the assessment of local facilities and nonresidential programs available to meet such needs.

"New construction" means to erect a new local facility or replace an outdated existing local facility.

~~"Operating capacity" means operating capacity as established by the Department of Youth and Family Services, based on "per bed area allowances." 6VAC35-30-60 C 2. [The term is not used in the regulation; SEE NEW DEFINITION FOR 'AREA ALLOWANCE PER BED.']~~

"Planning study" means an overall description of a proposed project consisting of new construction, renovation of existing facilities, or both, including projected building and operating

costs.

"Procedures" means the Department of ~~Youth and Family Services~~ Juvenile Justice Step-By-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement and Renovation ~~Reimbursement for Local Facility Construction, Enlargement, Renovation, and Operating Funds, and for the Development and Operation of New Programs.~~

"Project" means any proposed or actual new construction, renovation, enlargement or expansion of a juvenile residential facility that is or will be subject to approval by the Department or regulation by the Board, whether or not the sponsor is seeking reimbursement from the Commonwealth.

"Renovation" means altering or otherwise modifying an existing local facility or piece of stationary equipment for the purpose of modernizing or changing its use or capability, including security upgrades. Renovation does not include routine maintenance. Renovation renders the facility, item or area superior to the original.

"Replacement" means constructing a local facility in place of a like local facility or purchasing equipment to replace stationary equipment which cannot be economically renovated or repaired.

~~"Reviewing authority" means the department, division or agency to which the Governor has delegated authority to act in his behalf in reviewing local facility construction projects for reimbursement approval.~~ [This definition is replaced by the rewritten final paragraph of 6 VAC 35-30-10.]

"Routine maintenance" means the normal and usual type of repair or replacement necessary as the result of periodic maintenance inspections or normal wear and tear of a local facility or

equipment.

"Sponsor" means a county, city, commission or any combination thereof, or any private entity under contract or arrangement with any county, city, commission or any combination thereof, that is building, renovating, expanding or operating a facility, or proposing to do so.

"Sponsor's representative" means an individual who is licensed by the Virginia Department of Commerce as an architect or engineer.

"Substantive change" means user generated design changes affecting operational and functional performance of the facility.

6VAC35-30-30. Legal basis.

A. This chapter has been promulgated by the board to carry out the provisions of §§[16.1-313](#) [16.1-309.5](#), [16.1-309.9](#) and [16.1-322.5](#) through [16.1-322.7](#) of the Code of Virginia. This chapter:

1. Serves as a guideline in evaluating requests for reimbursement of local facility construction costs;
2. Includes criteria to assess need and establish priorities;
3. Ensures the fair and equitable distribution of state funds provided for reimbursing local facility construction costs; and
4. Provides criteria for private construction of detention or other residential facilities.

B. The board is authorized to promulgate regulations pursuant to [§66-10](#) of the Code of Virginia.

C. This chapter provides a basis for the Department's approval, pursuant to Code of Virginia

Section 16.1-249 A (3) and (4), of facilities in which juveniles may be detained or placed pending a court hearing.

Part III

~~Reimbursement Request~~ Procedures

6 VAC 35-30-35. Procedures for project approval.

The Department shall publish guidelines governing the sponsors' submission of projects for review by the Department, the Department's procedures for evaluating project proposals, the process for resolving differences between the sponsor and the Department, and the procedure for submitting the project proposal to the Board, along with any issues that could not be resolved between the Department and the sponsor.

6 VAC 35-30-40. Reimbursement request.

~~A.~~ Requests for reimbursement shall be submitted as follows:

~~1. Requests for reimbursement shall be approved by the board by June 1 of each year for inclusion in the department's budget request to the Governor and consideration during the next General Assembly session.~~ Annually, the Department shall publish a schedule detailing the dates by which sponsors must submit materials required in connection with requests for reimbursement, and the dates by which the Board must approve requests in order to meet deadlines required by the applicable authorities. When the Department learns of any changes in the budget review process that might require an adjustment in the published deadlines, the Department shall promptly notify all interested parties of the new dates by which materials will

be due. Incomplete submissions, or submissions not received by the department prior to ~~or on~~ ~~April 4~~ the published deadlines, will not be submitted to the board for inclusion in the ~~department's budget request~~ or other applicable authority during the current review cycle.

2. The first submission by the locality sponsor shall be a needs assessment developed in accordance with Department procedures. The Board may approve the needs assessment, reject the needs assessment, or suggest additional factors to be considered in a re-submitted needs assessment. If the Board approves the needs assessment, the matter shall be referred to the Governor or the Governor's designee for approval, as required by current state procedures. With the approval of the Board and the Governor or the Governor's designee, the sponsor will be authorized to proceed to the planning study stage for the project. ~~direct a letter to the department requesting the board to recommend to the Governor reimbursement for construction, enlargement or renovation. The letter shall be accompanied by the information required by subsection B.~~

3. ~~The department shall submit the completed request for reimbursement to the board for review and approval by the second board meeting or within 60 days following submission by the locality.~~ The next submission to the Board shall be the completed planning study, including architectural and engineering drawings at the 15% complete stage and an estimate of the total cost of the project, the amount of reimbursement requested, and a resolution from the locality or localities requesting reimbursement.

~~B. Requests for reimbursement of local facility construction, enlargement or renovation costs shall be accompanied by:~~

~~1. A needs assessment as specified in the procedures; [this is now required in #2, above]~~

~~2. A resolution from the locality or localities requesting reimbursement;~~

~~3. An estimate of the reimbursement amount being requested; [this is now required in #3 above]~~

~~4. A planning study as specified in the procedures; and [this is now required in #3 above]~~

~~4.~~ Requests for regional facilities shall also include a copy of the agreement between the participating localities including the allocation of financial and operational responsibilities.

5. In reviewing the request, the Board will apply the criteria outlined in 6VAC35-30-60. If the Board approves the planning study, it shall recommend the amount of state reimbursement for the project and refer the matter to the Governor or the Governor's designee for approval.

6VAC35-30-50. ~~Preliminary review~~ [Repealed] *(This is now substantially addressed in 6 VAC 35-30-40 (2).)*

~~Localities wishing a review of their needs assessment prior to formally submitting a reimbursement request may submit only the needs assessment as specified in 6VAC35-30-40 B. Upon review of the needs assessment, the board will notify the locality or localities as to whether it appears to the board that they are ready to proceed with the formal reimbursement request.~~

6VAC35-30-60. Criteria for board funding recommendation.

A. Demonstrated need. The board will evaluate the need for the project as demonstrated by the information provided in the Needs Assessment and Planning Study.

B. Operational cost efficiency. The board shall take into consideration the operational cost

efficiency of the interior design of the facility with special concern for the number of staff required, including requirements for sight and sound supervision, functional layout, material selection and energy efficiency, with special emphasis on meeting the needs of youth and the mission of the facility. Design of the program facility shall meet the standards of the board and ACA shall take into account the standards published by the American Correctional Association and the Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities.

C. Construction cost. Construction economy shall be reviewed in relation to the adjusted median cost of local facilities. The adjusted median cost of local facilities will be calculated by the department as a per bed cost using the following procedure:

1. A cost per square foot base figure will be the national median square-foot cost for jails (location factor applied), published in the latest edition of "Means Facilities Cost Data" published by R. S. Means Company, Inc. The "Means Facilities Cost Data" takes into consideration the "location factor" which is the materials and labor cost differential specific to a geographical location;

2. The adjusted square-foot costs will be converted to per-bed costs using per-bed area allowances based on the average gross square footage of actual and proposed local facilities in Virginia; the area allowances must be in accordance with all applicable codes and standards, and shall take into account the Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities, according to the following formula:

National cost per square foot (Means)

X Location Factor (Means)

X Area allowance per bed (maximum ~~900~~ 600 sq. ft. per bed)

= Adjusted median construction cost of local facility;

3. The total project cost will include:

a. Construction (subdivision C 2 above);

b. Site and utilities (Means);

c. Architectural and engineering (Virginia ~~Capital Outlay Manual~~ Construction and Professional Services Manual for Agencies);

~~d. Furnishings and equipment (as itemized);~~

~~e. d. Project inspection (Virginia ~~Capital Outlay Manual~~ Construction and Professional Services Manual for Agencies);~~

~~f. e. Contingency (3.0% of the cost of construction and site utilities);~~

~~g. f. Property purchased specifically for this facility; and~~

~~h. Other. g. Furnishings and equipment as provided for in the Board's "funding formula."~~

D. Phased reimbursement of projects. When localities wish a sponsor formally requests, at the time the planning study is submitted, to meet the requirements outlined in the needs assessment receive portions of the total project reimbursement based upon completion of the project in phases, the board may approve reimbursement based on the total estimated cost of the project as if it were to be completed as a single endeavor; however, reimbursement will be in amounts proportional to the phases of construction and payment will be made only as each approved

phase is completed and that portion of the building is placed in service.

6VAC35-30-70. Funding priorities.

A. The following criteria, as determined by the needs assessment shall serve as a guide for determining the level of priority given to requests for reimbursement:

1. New construction or renovation is needed because the existing facility is closed by the court, ~~Board of Youth and Family Services~~ or the local governing authority, or because the Board of Juvenile Justice has prohibited the placement of juveniles in the facility due to its failure to meet state or local operating standards or to adequately satisfy the physical plant considerations as detailed in the Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities;
2. An unsafe physical plant which fails to meet life, health, safety standards, or a court-ordered renovation, expansion, or new construction;
3. Replacement or renovation of bedspace lost due to fire, earthquake or other disaster;
4. An existing local facility is experiencing overcrowding which is expected to continue based on population forecasts;
5. A locality with no existing local facility;
6. An addition to or renovation of support facilities;
7. Phased projects; and
8. Cost overruns.

B. Regional projects. The board will ordinarily give preference to requests for reimbursement for regionalized local facilities. Regionalized local facilities shall normally serve three or more localities as determined by the needs assessment.

6VAC35-30-80. Board recommendations to the Governor.

A. The department will ~~direct a letter to the locality notifying the governing body~~ notify the sponsor by letter of the board's decision to recommend or not to recommend a project for reimbursement, and the rationale for the decision.

B. The board shall submit to the Governor, or his designee (i) its recommendations with respect to reimbursement requests and the rationale therefor; and (ii) such information as the Governor may require with respect to a request for approval of reimbursements.

C. Final appropriations are subject to the Governor's approval and legislative enactment.

Sections ~~16.1-313~~ 16.1-309.5 and 16.1-322.7 of the Code of Virginia authorize the board to establish, within statutory limits, the rate of reimbursement to localities for construction, enlargement or renovation.

Part IV

Project Development

6VAC35-30-90. Preliminary design.

A. To facilitate the Department's approval of detention homes and group homes as required by Code of Virginia § 16.1-249.A (3) and other places that may be designated by the court pursuant to Code of Virginia § 16.1-249.A (4) for detention or shelter care, ~~The locality~~ the sponsor of

any such facility shall submit preliminary design documents to the department, as specified in the procedures and the Virginia ~~Capital Outlay manual~~ Construction and Professional Services Manual for Agencies. This requirement shall apply whether or not the locality or combination of localities will seek reimbursement from the Commonwealth for the project. The ~~locality~~ locality sponsor may also be required to submit preliminary design documents to other regulatory agencies.

B. Preliminary design documents shall be approved by the Office of Capital Outlay Management and other designated department personnel based on compliance with the Standards for the Interdepartmental Regulation of Residential Facilities for Children and in consideration of the Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities

1. If the department requires changes to the preliminary design documents, all such required changes will be communicated in writing to the ~~locality~~ locality sponsor.

2. The ~~locality's~~ sponsor's representative, or its A/E, shall respond in writing to the department to all comments in the preliminary design review. Necessary revisions to the project documents may be incorporated in the submission of the construction documents; however, all issues in question between the ~~locality's~~ sponsor's representative, or A/E, and the department shall be resolved before the construction document phase is begun.

6VAC35-30-100. Construction documents required whether or not reimbursement is sought.

A. ~~Localities~~ Sponsors shall submit construction documents to the department as specified in ~~the Department procedures and the Virginia Capital Outlay manual~~ whether or not reimbursement will be sought for the project. The ~~locality~~ locality sponsor may also be required to submit construction documents to other regulatory agencies. The fire official of the local authority having jurisdiction

over the proposed facility shall ~~conduct a~~ review the plans review and approve the construction.

B. The department will review construction documents for compliance with board standards, and Code requirements, and in consideration of the Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities, and incorporation of all changes required by the department at the preliminary document review stage. This review in no way releases the A/E from his responsibilities and requirements.

1. If the department requires changes to the construction documents, all such required changes will be communicated in writing to the ~~locality~~ sponsor.

2. The ~~locality's~~ sponsor's representative, or its A/E, shall respond in writing to the department to all comments in the construction document review. All issues in question between the architect, the ~~locality~~ sponsor and the department shall be resolved before the project is bid.

C. Upon satisfactory resolution of all review comments, the department shall approve construction documents and advise the ~~locality~~ sponsor in writing within 10 working days.

6VAC35-30-110. Changes during project development when reimbursement is sought.

If, during the project development stage, any substantive change in the scope of the project, any increase in the estimated cost of construction, or any change in the operational staff requirements occurs, the review process will be suspended until the project is resubmitted to the board for further review and possible change in the status of reimbursement recommendation.

Part V

Project Construction

6VAC35-30-120. Bids for projects for which reimbursement is sought.

After bids for construction have been received and opened, and the locality sponsor has determined to proceed with the project, the locality sponsor shall require its A/E to submit to the department a bid tabulation, analysis and recommendation as to the award of the contract. Any comments by the department shall be forwarded to the locality sponsor within 10 working days of receipt and the sponsor shall respond to the comments in writing.

6VAC35-30-130. Construction.

A. During construction of all projects, whether or not reimbursement is sought, the locality sponsor shall require its architect to submit monthly inspection or progress reports to the department. The department must respond in writing within 10 working days after receipt if there are any problems. The Department's Failure failure to do so serves as acceptance of the inspection and progress report. If reimbursement is sought for the project, the architect's failure to submit timely monthly inspection or progress reports may jeopardize reimbursement.

B. ~~Any~~ If reimbursement is sought for the project, any substantive changes, single change orders of \$10,000 or more, and accumulative change orders exceeding the Board-approved project contingency budget during the construction phase shall be submitted in writing to the department for review and approval before they are executed. Only those changes that are approved through this procedure shall be eligible for reimbursement.

C. For all projects, whether or not reimbursement is sought, ~~A~~ a representative of the department may visit the project site during the construction period to observe the work in progress. Any observed deviations from approved documents having the effect of voiding or reducing

compliance with board standards or Code requirements, or any reduction in the quality of material or workmanship, shall be reported in writing to the ~~locality~~ sponsor within 10 working days and shall be corrected. Failure to correct reported deviations may result in the denial of reimbursement, if requested.

6VAC35-30-140. Final inspection.

A. Upon construction completion of all projects, whether or not reimbursement is sought, the ~~locality's~~ sponsor's representative, or the A/E, shall establish a schedule for final inspection of the project as follows:

1. The ~~locality~~ sponsor shall notify the department and all regulatory agencies which reviewed preliminary design or construction documents of the schedule for final inspection. The fire official of the authority having jurisdiction shall conduct a plan review and approve the construction;

2. The ~~locality~~ sponsor shall request personnel or agencies involved in the final inspection to submit comments or recommendations in writing to the ~~locality~~ sponsor and forward copies to the department.

3. The ~~locality~~ sponsor shall require its architect to take necessary corrective action on all deficiencies noted in the comments and submit a report of completed actions to the appropriate reviewing agencies and forward a copy of the report to the department.

B. For all projects, whether or not reimbursement is sought, Upon completion of the final inspection and corrective actions as required, the ~~locality~~ sponsor shall provide to the department copies of all regulatory agency letters verifying approval of the completed project. The A/E shall

certify to the department the completion of the project.

6VAC35-30-150. Record documents.

The ~~locality~~ sponsor shall require its architect to modify original drawings and specifications to reflect the condition of the project as actually constructed and such documents shall be marked "Record." The record documents shall be prepared in accordance with procedures.

Part VI

Private Construction of Juvenile Facilities

6VAC35-30-160. Legal basis for private construction of juvenile facilities.

Section 16.1-322.5 of the Code of Virginia provides for the Board of ~~Youth and Family Services~~ Juvenile Justice to authorize a county or city or any combination of counties, cities or towns established pursuant to §[16.1-315](#) of the Code of Virginia to contract with a private entity for the financing, site selection, acquisition or construction of a local or regional detention home or other secure facility. Localities authorized to contract for private construction of a juvenile detention facility shall receive state reimbursement authorized by §~~16.1-313~~, [16.1-309.5](#) of the Code of Virginia, in accordance with Parts I through VI of this chapter.

6VAC35-30-170. Contract authorization requirements.

Prior to receiving the Board of ~~Youth and Family Services~~ Juvenile Justice authorization to enter into a contract for private construction, localities shall certify and submit documentation demonstrating that all requirements mandated by §[16.1-322.5](#) of the Code of Virginia have been met by both the locality and the contractor.

6VAC35-30-180. Request for final reimbursement of all projects.

A. Upon completion of the project, the ~~locality~~ sponsor shall submit the documentation specified by the procedures to the department.

B. If the final amount of reimbursement requested is no more than the reimbursement amount initially recommended, including the contingency, the department will authorize reimbursement within 90 days of receiving a complete reimbursement request. The reimbursement request shall be in the form specified by the department.

C. If the final amount of reimbursement requested is more than the reimbursement amount initially recommended, the sponsor shall justify the cost increase ~~shall be justified by the locality~~ and ~~resubmitted~~ shall submit the adjusted reimbursement request to the board and the Governor, or his designee, for approval.

6VAC35-30-190. Compliance.

Failure to comply with these regulations will delay the review process and recommendation for disbursement of funds, ~~and~~ may result in the denial of reimbursement, and may result in failure to obtain Board certification or Department approval to house juveniles in the facility.

Part VII

6VAC35-30-200. Guidelines for design and construction.

A. The Department is authorized to develop guidelines establishing minimum standards for the design and construction of juvenile residential facilities in the Commonwealth's juvenile justice system, including state, local and private projects. The guidelines shall identify acceptable means

for achieving the goals set out in this regulation and shall provide written advance information to all parties involved with the construction or renovation of juvenile justice facilities in the Commonwealth of Virginia. Specifically, the guidelines shall:

1. identify appropriate construction methods, materials, and design and layout features to ensure a safe, humane and secure environment for staff and juveniles; restrict unauthorized movement of residents; deter unwanted activity; reduce risks of suicide and self-mutilation; provide an environment that facilitates treatment; and protect the public from escapes;

2. prescribe minimal conditions of confinement and the elements required for the appropriate housing of juveniles, including but not limited to minimal requirements for living areas, food preparation and dining areas, educational areas, indoor and outdoor recreational areas, and provision for the delivery of health care and visitation.

3. facilitate cost effective construction and renovation that is efficient, durable, economical on a life-cycle cost basis, and easy to maintain, while reducing the inefficient use of space in terms of floor area, building volume, and staffing requirements.

4. provide flexibility to address differences in management philosophies and differing, acceptable levels of security, and the unique needs or geographical context of the locality that the facility is intended to serve.

C. To the greatest extent possible consistent with the encouragement of local initiative and responsibility, the construction, renovation and expansion of juvenile residential facilities shall be consistent with, or substantially equivalent to, the requirements set out in the guidelines. The

Department may permit variations from the guidelines when the goals stated in 6VAC35-30-200

(A) can be achieved through an alternative construction feature that is consistent with or substantially equivalent to the requirements set out in the guidelines, or through staffing or programming provisions.

D. The guidelines shall be applied in such a way as to ensure:

1. adequate space for all activities involving residents, staff or visitors;
2. operational, custodial, administrative and support functions to meet the daily demands of juveniles and staff;
3. opportunities for regular and routine interaction between residents and staff.

6VAC35-30-210. Review and approval process

A. The Department shall publish and follow a process for reviewing and approving construction and renovation of juveniles residential facilities serving Virginia's juvenile justice system. The review and approval process shall be designed to encourage local initiative and responsibility provided minimum requirements are met. The review and approval process shall provide at a minimum for the following:

1. An opportunity for the sponsor to meet with designated Department personnel to discuss any technical review comments or other design issues;
2. The opportunity to appeal to the Director or the Director's designee any issue that cannot be resolved between the sponsor and the designated Department personnel;
3. A written response to any appeal within thirty days;

4. The opportunity to appeal to the Board any issue that is not resolved to the sponsor's satisfaction.

B. Consistent with the policies of the Bureau of Capital Outlay Management at the Department of General Services, the Department's office of Capital Outlay Management may require an administrative fee to support the review and approval process.